

Notice of Allowability

Application No.

10/761,227

Applicant(s)

MURAMATSU, MASARU

Examiner

Justin P. Misleh

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed September 26, 2007.
2. ☒ The allowed claim(s) is/are 1 - 7 (now renumbered 1 - 3, 7, 4, 6, and 5, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____7. ☐ Examiner's Amendment/Comment8. ☒ Examiner's Statement of Reasons for Allowance9. ☐ Other _____


LIN YE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. **Claims 1 – 7 (now renumbered 1 – 3, 7, 4, 6, and 5, respectively)** are allowed.
2. The following is an Examiner's statement of reasons for allowance:

The closest prior teaches an electronic camera having an image-capturing element that captures a subject image and outputs image-capturing signals each corresponding to a pixel; and a control device that executes gradation correction on the image-capturing signals output by the image-capturing element, such that the image-capturing element is split into a plurality of pixel areas each containing a plurality of pixels; and the control device calculates average values of image-capturing signal values in the pixel areas, which are output by the image-capturing element prior to a shutter release, and determines an exposure quantity and gradation characteristic based upon the average values having been calculated each in correspondence to one of the plurality of pixel areas.

However, the closest prior art does not teach or fairly suggest wherein the control device further determines gradation characteristics based upon a comparison of the average values having been calculated each in correspondence to one of the plurality of pixel areas with a predetermined threshold level and then engages the image-capturing element to capture an image at the exposure quantity having been determined in response to the shutter release and executes gradation correction on image-capturing signals output by the image-capturing element in conformance to the gradation characteristics having been determined.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Prior Art

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure for the following reasons:

- US 6,940,556 B1 & US 6,583,820 B1 each disclose an electronic camera wherein a gradation curve is determined based upon the results of a scene analysis using image data output by the image capturing device.
- US 6,580,620 B1; US 6,989,867 B2; & US 6,831,696 B1 each disclose an electronic camera with an image-capturing element that is split into a plurality of pixel areas and a control device that uses the pixel areas for exposure control.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Justin Misleh
Examiner, GAU 2622
January 7, 2008


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